

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:	)	
	)	CASE NO. BK11-40487-TLS
WESLEY B. SMITH and	)	A11-4223-TLS
SHELLY K. SMITH,	)	
	)	CHAPTER 13
Debtor(s).	)	
WESLEY B. SMITH and	)	
SHELLY K. SMITH,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
CITIMORTGAGE, INC.,	)	
	)	
Defendant.	)	

JUDGMENT

This matter is before the court on the debtor-plaintiffs' motion for summary judgment (Fil. No. 11). No resistance was filed. Dennis Fricks represents the debtors. No appearance was made for the defendant.

IT IS ORDERED: For the reasons stated in the order filed herewith granting the motion for summary judgment, the wholly unsecured second lien held by CitiMortgage, Inc. may be stripped off for purposes of the Chapter 13 plan. However, the lien shall not be avoided until the plaintiffs complete the Chapter 13 plan in its entirety. In the event the Chapter 13 case is converted or dismissed prior to plan completion, the creditor would continue to hold a valid and unavowed lien secured by the plaintiffs' residential real property. For this reason no documentation of lien avoidance need or shall be recorded until such time as the plan is successfully completed.

DATED: February 24, 2012.

BY THE COURT:

/s/ Thomas L. Saladino  
Chief Judge

Notice given by the Court to:

\*Dennis A. Fricks

U.S. Trustee

\*Movant is responsible for giving notice to other parties if required by rule or statute.